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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

DAEAEL M. DANTOIA

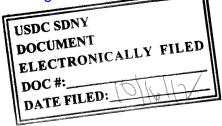
RAFAEL M. PANTOJA,

Plainitff,

v.

BANCO POPULAR and AMERICAN SAFETY INSURANCE COMPANY.

Defendants.



ORDER

11 CV 3636 (VB)

Pending before the Court is plaintiff's motion for reconsideration of the Court's Memorandum Decision dated August 9, 2012, which granted defendants' motions to dismiss the amended complaint and denied plaintiff's motion for leave to amend the amended complaint. (Doc. #57).

Plaintiff's motion does not demonstrate an intervening change in the law, the availability of new evidence, or the need to correct clear error or prevent manifest injustice. Having carefully reviewed plaintiff's motion, the Court concludes that it has not overlooked facts properly before the Court or controlling precedent, and that the original decision was neither clearly erroneous nor manifestly unjust. To the contrary, the Court believes its original decision was correct on the facts and the law.

Accordingly, the motion for reconsideration is DENIED.

The clerk is instructed to terminate the motion. (Doc. #57).

Dated: October 16, 2012

White Plains, NY

Vincent L. Briccetti

SO ORDERED:

United States District Judge